

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

EDWIN FRANZAK, )  
Plaintiff, ) No. CV- 11-0295-CI  
v. ) ORDER GRANTING STIPULATED  
MICHAEL J. ASTRUE, ) MOTION TO REMAND PURSUANT TO  
Commissioner of Social ) SENTENCE FOUR OF 42 U.S.C.  
Security, ) § 405(g)  
Defendant. )

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BEFORE THE COURT is the parties' stipulated Motion to Remand the above-captioned matter to the Commissioner for additional administrative proceedings. (ECF No. 17.) Attorney Gary Penar represents Plaintiff; Special Assistant United States Attorney Lisa Goldoftas represents Defendant. The parties have consented to proceed before a magistrate judge. (ECF No. 7.) After considering the stipulation of the parties,

**IT IS ORDERED:**

1. The parties' stipulated Motion to Remand (ECF No. 17) is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the administrative law judge (ALJ) shall hold a *de novo* hearing and Plaintiff may raise any issue. The ALJ shall (1) update the treatment evidence on Plaintiff's medical conditions, including fecal incontinence; (2) reevaluate all medical source evidence and

1 opinions, including the opinion of Jeffrey Trail, M.D.; (3)  
2 reevaluate Plaintiff's credibility and the lay testimony of Clara  
3 Christy; (4) perform a new residual functional capacity assessment  
4 on the updated record, citing specific evidence in support of the  
5 assessed limitations; (5) reevaluate whether Plaintiff can perform  
6 past relevant work; (6) continue the sequential evaluation process,  
7 obtaining supplemental vocational expert testimony, as necessary to  
8 clarify the effect of the assessed limitations on Plaintiff's  
9 occupational base; and (7) evaluate the effect, if any, of  
10 Plaintiff's subsequent allowance finding him disabled under Titles  
11 II and XVI, beginning July 26, 2011.

12 2. Judgment shall be entered for the **PLAINTIFF**.

13 3. Plaintiff's Motion for Summary Judgment (**ECF No. 12**) is  
14 stricken as moot.

15 4. An application for attorney fees may be filed by separate  
16 motion.

17 The District Court Executive is directed to enter this Order,  
18 forward copies to counsel, and thereafter shall close this file.

19 DATED July 6, 2012.

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S/ CYNTHIA IMBROGNO  
22 UNITED STATES MAGISTRATE JUDGE

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